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Committee on Economic, Social and Cultural Rights
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Summary record of the 32nd meeting
Held at the Palais Wilson, Geneva, on Tuesday, 13 June 2017, at 3 p.m.

Chair: Ms. Bras Gomes

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The meeting was called to order at 3 p.m.

Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Initial report of Pakistan (*continued*) (E/C.12/PAK/1; E/C.12/PAK/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Pakistan took places at the Committee table.*

2. **The Chair** invited the delegation to reply tc the questions that had been raised at the Committee's 31st meeting.

3. **Mr.** Zafarullah **Khan** (Pakistan) said that Pakistan continued to make progress, albeit slowly, in transitioning from a semi-feudal State to a modern nation State and from a totalitarian to a democratic system of government. A certain degree of cultural relativism should therefore be countenanced.

4. There were currently some 40,000 registered NGOs in Pakistan. Setting one up was very simple, as NGOs were subject to very little regulation. He had participated in the drafting of the proposed text of the Foreign Contributions Act, which had been shared with international and domestic partners alike. While international NGOs had gencrally been in favour of the bill, domestic NGOs had rejected it, as they did not wish to have to produce annual reports and be held to account for their activities. As a result, the bill had never been enacted into law.

5. Over 20,000 madrasas provided free education and lodging to some 2 million children across Pakistan. There was no direct link between madrasas and terrorism, and it was clearly stated in the Constitution of Pakistan that terrorist activities were not permitted on Pakistani soil. Madrasas were, in fact, regulated far more heavily than NGOs: they must be registered, their admissions and accounts were monitored and, if there was a reason for doing so, they were shut down by the Government. Nonetheless, it was important to remain vigilant about the activities of both madrasas and NGOs.

6. All faiths could be freely practised in Pakistan. It was regrettable that, since the start of the so-called "war on terror", the world — including both Pakistani and Western societies — had become more radicalized. Pakistan, in any case, should not be singled out and should be respected as a sovereign State. His Government continued to fight extremism at all levels.

7. Blasphemy laws had existed in Pakistan since 1860 and were not uncommon even in Europe. A distinction should be made between freedom of expression and abuse of the freedom of expression. Insulting the Prophet Muhammad must be treated as an offence because it interfered with Muslims' freedom of religious belief. Interestingly, more Muslims were charged with blasphemy than members of any other religious group. Rather than do away with blasphemy laws, it was important to ensure that no abuse of those laws would be tolerated. Pursuant to a number of recent legislative amendments, if a person was found to have falsely accused someone of committing blasphemy, the accuser could then be tried and sentenced to up to 7 years' imprisonment. The religious beliefs of all individuals should be respected, as provided for in many international agreements.

8. **Ms. Malik** (Pakistan) said that Urdu and English were the main languages of instruction in schools. Other regional languages, of which there were about 70, were living languages used in daily life and in forms of cultural expression such as music and theatre. To further protect and promote minority languages, academic conferences were organized, prizes were awarded for literature in various languages and International Mother Language Day was celebrated on 21 February of every year.

9. **Ms. Agha** (Pakistan) said that, although further improvements were called for in enrolment rates and the quality of instruction and school infrastructure, it was notable that the number of children between 5 and 16 years of age who were not enrolled in school had decreased from 24 million in 2015 to less than 21 million in 2016. Enrolment in primary

school had risen from 15 million children in 2015 to 17.5 million in 2016. Total enrolment of children at all levels of education and in all sectors had risen from 44 million in 2015 to 47 million in 2016. Access to infrastructure and other facilities, including electricity and drinking water connections and boundary walls, had likewise increased. The provinces allocated 20 per cent, on average, of their budgets to education.

10. An initiative for the free distribution of textbooks to all children in primary school was under way. The Government's national education policy focused on addressing fragmented governance structures and bridging the divide between public and private schools by setting specific educational standards. A national action plan had been developed jointly with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Children's Fund (UNICEF) to do away with any remaining curricular disparities.

11. A national action plan for protecting children in emergency situations had been developed. A crisis management centre had been established under the National Counter-Terrorism Authority, and over 400 schools in Islamabad alone were now fully equipped with boundary walls, closed-circuit cameras and other security features.

12. The telecommunications sector was one of the fastest-growing sectors in Pakistan and was a good platform for raising awareness about human rights; internet usage, in particular, had risen exponentially in recent years.

13. **Mr. Amil** (Pakistan) said that Pakistan was at the forefront of the effort to defend diversity in the face of increased radicalization. The Prime Minister, who had been elected by the will of the people, was intent on ensuring that every Pakistani citizen was guaranteed equal status, regardless of race, sex or creed, in accordance with the Constitution and the Criminal Code. A number of measures had been taken to improve the situation of minorities, including joint efforts on the part of the National Police Bureau and civil society, the yearly celebration of National Minorities Day and the establishment of special scholarship funds for minority students. In addition, police training materials, including those used in the Police Academy, were designed to enhance officers' sensitivity to the needs of minority communities.

14. As one way of promoting interfaith harmony, some 10 festivals of religious minorities were celebrated in Pakistan. At the grass-roots level, the Government had established 124 interfaith committees, which met regularly to review the welfare and security situation of the various communities of faith and to build understanding among those communities. Nevertheless, radicalization was a major obstacle, and it would be difficult to overcome that problem without the support of the religious leadership itself. And, in fact, many religious leaders had recently stepped forward to condemn extremism and to advocate interfaith harmony. Civil society and the media also played an important role in fostering respect for religious diversity. Finally, social media were an ideal democratic forum for the people of Pakistan to exchange views and drive a narrative of openness and accountability while condemning extremism.

15. **Ms. Shin**, noting that the State party had a law under which domestic violence, including desertion, abandonment and negligence, was a criminal offence, said that she would like to know how many persons had been prosecuted on such charges since the law's introduction. She would also like to know whether the Government believed that its 26 shelters for victims of domestic violence were sufficient, given the large population of Pakistan, and whether it had introduced a hotline for women at risk of abuse.

16. It was her understanding that no one had been prosecuted for having had an abortion and, if that was indeed the case, then it was not clear to her why abortion continued to be prohibited in Pakistan. Indeed, it seemed that the time was ripe to repeal that law. Moreover, she would be interested to learn what Pakistan was doing to prevent abortions in the first place by making affordable contraceptives available to men and women, including in rural areas, and to provide information on family planning.

17. In the light of the State party's efforts to improve the situation in the educational sector and its signature of the Convention on the Rights of Persons with Disabilities in 2011,

it would be useful to know whether children with disabilities were specifically covered in the national education policy.

18. **Ms. Liebenberg** said that, notwithstanding the initiatives undertaken by the State party to alleviate the housing shortage, which she welcomed, the Committee had received many submissions from NGOs on the situation of people who had been forcibly evicted and not offered alternative accommodation. Development-based evictions had also been reported as a significant problem; the Special Rapporteur on adequate housing herself had raised that issue in reference to the State party's construction work on the Orange metro line in Lahore, which would have an impact on cultural heritage sites as well as people's homes. She would like to know whether Pakistan had any specific legislation to protect people against irregular evictions and whether it had put in place procedural safeguards to secure adequate alternative accommodation for people in such situations.

19. She would appreciate an update on any measures aimed at upgrading slums, including those provided for under the comprehensive national housing policy referred to in the State party's replies to the list of issues (E/C.12/PAK/Q/1/Add.1, para. 17). Although she understood that no official schedule of castes had been set out in the Constitution, she would be interested to know how the Government planned to lift very poor people and landless peasants out of poverty and ensure that they were able to enjoy their rights.

20. **Mr. Dasgupta** said that he would appreciate an answer to his question regarding reports that a woman's testimony was worth half that of a man's, as well as to the question about whether the State party was considering revising textbooks to remove adverse stereotypical portrayals of certain communities. Lastly, he wondered whether the fact that school instruction was given only in Urdu and English — the official but nonetheless minority languages in Pakistan — was the most effective way of imparting knowledge to children whose mother tongue was neither of those languages.

21. **Mr. Uprimny** said that he would like to know whether any of the country's provincial languages could be used, for instance, in the courts. It would also be useful to learn how the State party was providing education to internally displaced persons; how it planned to reduce the high infant and maternal mortality rates; and what steps it was taking to make land more accessible to peasants, given the strong links between landlessness and poverty in rural areas. He would also appreciate the delegation's comments on reports that children who were below the legal working age were nonetheless being hired to work under harsh conditions in coal mines and like; if such reports were true, it was difficult to see how the State party could be fulfilling its international obligations in that regard. Lastly, although the delegation had explained what steps had been taken to protect schools from militia attacks, Human Rights Watch had stated that schools were being used for military purposes. He would like to know what the Government's policy was in that respect and whether consideration was being given to endorsing the Safe Schools Declaration and the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict.

22. **Mr. Windfuhr** said that he would like detailed information on the steps taken or being considered by the State party to deal with climate change. Such action seemed all the more important because Pakistan had a very sizeable rural population whose livelihoods were weather-dependent. It would be useful to know if Pakistan needed any particular kind of international support in that regard.

23. **The Chair** said that, since cash transfer programmes, although an exemplary initial step in the provision of social assistance, could not be considered a long-term solution, she wondered if the State party was considering taking further action to uphold the right to social security and to set a social protection floor.

24. **Ms. Ravenberg** (Country Rapporteur) said that the delegation had not yet fully responded to her request for further information regarding, firstly, the recommendation of the National Assembly's Standing Committee on Human Rights that a committee should be established to investigate alleged violations of the National Commission for Human Rights Act by the Chairperson of the National Commission for Human Rights and, secondly, the fact that the Commission was not mandated to submit independent reports to United Nations bodies or committees.

25. **Mr. Zafarullah Khan** (Pakistan), noting that the vast majority of the population would oppose changes to the laws on abortion, said that it would be wrong for the Government to impose such changes without public support. Family planning was a major concern, as the country's large population put pressure on its resources. Progress had been made in that regard, thanks to changes in social attitudes, national awareness campaigns led by religious leaders and the increased availability of contraception.

26. Following a recent Cabinet meeting on the issue of housing, a committee had been established to come up with a range of policy options, drawing on best practices developed in countries such as Turkey and Malaysia. The Government had set itself the target of building 2 million housing units. Many of the squatter settlements known as *katchi abadies* had been regularized by granting ownership certificates to their inhabitants; there had been no evictions of *katchi abadi* residents in many years. With regard to the issue of development-based evictions, the Government had to reconcile the need to protect the country's cultural heritage and the rights of local residents with the need to improve transport, education and energy infrastructure. Many development projects had been delayed because courts had issued injunctions in response to complaints filed by local residents. The Government took steps to ensure that persons affected by development projects received appropriate compensation. The Supreme Court would shortly issue a ruling on the Orange Line rail project in Lahore. The Government had offered to seek advice from independent experts on how construction plans could be modified in order to protect local heritage sites.

27. Steps were being taken to rationalize tenancy laws so that landlords could evict tenants for just cause, which was extremely difficult for them to do under the current laws. The majority of State-owned land had already been distributed to landless persons, and the preference was now to assign land titles to women rather than men. The Government had been unable to carry out as extensive a land reform programme as had been planned because it had become embroiled in property rights disputes in the courts. There were no housing or other problems relating to Dalits because there were no Dalits in Pakistan.

28. While it was true that, under the Law of Evidence of 1984, transactions relating to financial or future obligations must be witnessed by two men or by one man and two women, discriminatory provisions of that kind dated back hundreds of years to a time when women had been less well educated than men. The fact that, in cases brought under *hudud* law, women were unable to serve as witnesses had gone unchallenged because *hudud* law was a very sensitive issue. In all other criminal and civil matters, however, there was no discrimination against women whatsoever.

29. The Government had appointed a National Curriculum Council to update and improve school curricula by removing any discriminatory content and by incorporating human rights issues and civic education, for example. Those efforts were being supported by the provincial textbook boards. The Supreme Court had recently ruled that the Government should adopt Urdu as its language of communication. English was taught as a compulsory subject in State schools, but all other lessons were taught in Urdu or the local language. Judicial records and official correspondence could be written in Sindhi. In the province of Punjab, children learned Punjabi at home and were taught Urdu in school; Punjabi was offered as an optional subject at university level. Linguistic differences were generally not a problem in Pakistan because so many people were multilingual.

30. **Ms. Agha** (Pakistan) said that domestic violence was less prevalent than other forms of violence; it was worth bearing in mind, however, that domestic violence cases were not as readily reported as others. A total of 474 such cases had been reported in 2012, compared with 107 in 2016. In addition to the 26 shelters that had been set up by the federal Government and were now managed at the provincial level, a large number of shelters had been established by provincial governments and civil society organizations.

31. The helpline that had been installed by the Ministry of Human Rights in 2016 had received 76,000 complaints, of which 5,500 had been addressed. Helplines had also been established at the provincial level and by numerous NGOs. Victims of domestic violence could obtain legal redress and were supported by the Government and the police in that regard, including in cases where the abusive husband was an influential person. She had

recently applied to the Planning Commission for additional funding for the construction of new shelters and working hostels, and her request had been granted immediately, which showed that supporting victims of domestic violence was a government priority.

32. In order to benefit from the Benazir Income Support Programme, women were required to open a bank account and to obtain a national identity card. As a result, they enjoyed greater financial independence and were properly registered as citizens of Pakistan. In 2008, only 4 per cent of women had had a bank account, compared with 15 per cent in 2015; the State Bank hoped to increase that figure to 25-30 per cent within the next three years. The provision of financing to women through the Benazir Income Support Programme had helped to improve families' overall standard of living.

33. Between 2012 and 2016, the health budget had increased sixfold, and spending on education, social protection and water and sanitation had doubled. While enrolment in education was lower among girls than boys at middle-school level, gender equity had been achieved in higher education, with some fields, such as medicine, attracting more women than men. Following recent civil service examinations, women had been appointed to 20 top positions in fields that had traditionally been male-dominated.

34. **Mr.** Zafarullah **Khan** (Pakistan), in response to a question asked earlier by Mr. Uprimny, said that the armed forces were generally stationed in cantonments. They were sometimes deployed to a specific area in response to a religious clash or a terrorist attack and, in such cases, if there was no cantonment available, they might be accommodated in official buildings. Schools, however, were used as military accommodations only during school holidays. Extremists who attacked schools did so, not because of a military presence, but because schools were a symbol of development and modernity. Similar targets included women-only buses and telecommunication centres.

35. It was the duty and constitutional mandate of parliamentary committees to ensure that national institutions, such as the National Commission for Human Rights, operated in accordance with the law. As noted earlier by a member of the Committee, the Standing Committee on Human Rights had lodged a complaint against the Chairperson of the Commission with the Supreme Court. The Government would respect the Court's verdict.

36. **Mr. Amil** (Pakistan) said that Pakistan was ranked seventh on the 2017 Global Climate Risk Index and was located in a zone of high seismic activity. It was facing challenges such as deforestation, rising sea levels and increased cyclone activity. Disasters such as the earthquake of 2005 and the floods in 2010 had been extremely costly. The Government had developed disaster preparedness policies, organized mass awareness campaigns and launched initiatives such as the Green Pakistan Programme. It was fully committed to the Paris Agreement and had adopted the Pakistan Climate Change Act of 2016, which focused on adaptation and mitigation. The country's national plans would be implemented with financial and technical support from international partners.

37. The Government remained committed to assisting Afghan refugees. The number of registered Afghan refugees had increased sixfold in 2016, partly as a result of efforts to register undocumented refugees.

38. Steps had been taken to improve the security of State schools in order to protect students from attacks; walls had been strengthened and metal detectors had been installed, for example. Private schools had implemented similar measures.

39. **Ms. Malik** (Pakistan) said that the Ministry of Human Rights had been entrusted with the task of monitoring the implementation of the Convention on the Rights of Persons with Disabilities, and a bill of law had been drafted in response to the recommendations of the Committee on the Rights of Persons with Disabilities. Disability mainstreaming was being coordinated by the Ministry of Planning, Development and Reform, in collaboration with organizations of persons with disabilities and the Directorate General of Special Education. A wide range of measures had been taken to support persons with disabilities, including the establishment of special education institutions; the provision of free medical treatment to persons with a disability certificate; the development of a policy on equal access to higher education for persons with disabilities; the implementation of an inclusive education system in 20 schools in Islamabad; the provision of discounted rail and air travel

for persons with disabilities; and the establishment of an Election Commission working group for the inclusion of persons with disabilities in the electoral process. International cooperation on disability and development issues had been strengthened through pledges and commitments in international forums.

40. **Ms. Riffat** (Pakistan) said that Pakistan had ratified the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138) and the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), in 2001 and 2006, respectively. Article 11 of the Constitution stipulated that no child under the age of 14 could be employed in a hazardous occupation. Pakistan was a party to the Convention on the Rights of the Child and had appointed a National Commissioner for Children to address child welfare issues. The incidence of child labour had also been reduced through efforts to enforce the constitutional provision that required the State to provide a free and compulsory education for all children between the ages of 5 and 16. A special package of measures had been introduced to promote school enrolment and attendance among children who had been working at brick kilns, including payment of a monthly stipend of PRs 1,000 to children who attended school. School attendance among those children had increased significantly as a result. As outlined in paragraphs 81 to 97 of her country's report, support was also provided through a number of social protection programmes, including the People's Work Programme and a range of microfinance schemes funded by international donors and local NGOs.

41. **Ms. Ravenberg** said that she wished to thank the delegation for engaging in a constructive and informative dialogue. It would be useful if the Government could submit its common core document as soon as possible in order to enable the Committee to fully assess the State party's implementation of the Covenant.

42. **Mr. Michael** (Pakistan) said that he was grateful to the Committee for its candid and fruitful discussion with the delegation and for its valuable feedback. He hoped that, in the drafting of its concluding observations, the Committee would take into account the numerous challenges facing Pakistan. His Government was firmly committed to fulfilling its international human rights obligations, including its duties under the Covenant, and would strive to ensure that adequate resources were set aside for that purpose.

43. **The Chair**, associating herself with Ms. Ravenberg's statement, said that the Committee's concluding observations would take into consideration the progress that had been made but would also highlight shortcomings that needed to be addressed in order to ensure full implementation of the Covenant.

The meeting rose at 5.35 p.m.